

REMARKS

I. Summary of Office Action

Claims 1-3, 5, 6, 8-14, 16, 17, 20-23, 25, 26, 28-34, 36, 37, 40-43, 45-51, 53, 54, 57-61, 63, 64, 66-72, 74, 75, 78-81, 83, 84, 86-92, 94, 95, 98-101, 103-109, 111, 112, 115-119, 121, 122, 124-130, 132, 133, 136-139, 141, 142, 144-150, 152, 153, 156-159, 161-167, 169, 170, 173 and 174 were rejected under 35 U.S.C. § 102(e) as being anticipated by Shimada et al., U.S. Patent No. 6,396,919 (hereinafter "Shimada").

Claims 4, 7, 15, 18, 19, 24, 27, 35, 38, 39, 44, 52, 55, 56, 62, 65, 73, 76, 77, 82, 85, 96, 97, 102, 110, 113, 114, 120, 123, 131, 134, 135, 140, 143, 151, 154, 155, 160, 168, 171 and 172 were rejected under 35 U.S.C. § 103(a) as being obvious from Shimada.

II. Summary of Applicant's Reply

Applicant has herewith amended independent claims 1, 59, and 117. The claim amendments are supported by the application as filed and therefore do not add new matter.

The Examiner's rejections are respectfully traversed.

III. Request for Continued Examination

Applicant files herewith a Request for Continued Examination under 37 C.F.R. § 1.114 with the required fee. Pursuant to 37 C.F.R. § 1.114(d), applicant understands that the finality of the Office Action will be withdrawn and the amendments presented herein will be entered and considered.

IV. Applicant's Reply

Independent claims 1, 59 and 117 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Shimada. According to the Office Action, Shimada shows a transaction code that is "publicized separately from a communication where the transaction code is accepted." Namely, the Office Action contends that Shimada shows a transaction code that is publicized in Shimada's memory unit or display unit and accepted in Shimada's input unit. See Office Action, page 3. Applicant respectfully disagrees that any transaction code in Shimada is "publicized" as claimed.

In order to advance prosecution, however, applicant has amended each of independent claims 1, 59 and 117 to recite that the transaction code is publicized "in an advertising medium" separately from a communication where the transaction code is accepted. Applicant submits that Shimada clearly does not show or suggest a transaction code publicized in an advertising medium separately from a communication where the transaction code is accepted.

As noted in applicant's specification, transaction codes may be publicized in various sources, such as in newspapers, magazines, public signs, television screens or other visual presentations. The transaction codes may be associated with an advertisement found in one of these sources for a product that the user is interested in purchasing. See specification, page 10, lines 5-19. It is from these sources that the user learns of a transaction code that the user will eventually provide during the transaction handling process (i.e., during the communication when the

transaction code is accepted by the transaction system). The publication of these transaction codes, and thus the way the user learns of these transaction codes, are notably separate from the transaction handling process. For example, a user may see an advertisement for a book the user wants to buy. In response to seeing this advertisement, the user may then use a mobile telephone to send the transaction code (e.g., by text message or ordinary telephone call) to simply and efficiently order the book without having to interact with a human agent.

In Shimada, it is unclear how codes or numbers are provided to customers so that they can execute transactions using the telephone transaction support system. As a result, Shimada clearly does not show applicant's claimed approach. In addition, applicant submits that Shimada teaches away from applicant's approach. The teaching of Shimada is for banking transactions, where the voice response unit prompts customers with a message to input their desired transaction. Unlike the near infinite number of transactions that could be registered for products or services in applicant's approach, banking transactions are somewhat limited (e.g., balance inquiry, transfer funds, deposit funds). If anything, with this limited number of possible transactions, Shimada teaches that the voice response unit's message provides a menu with numbers corresponding to pushbuttons assigned to these possible banking transactions. The alternative of providing customers with the numbers to input for various banking transaction separate from that message would strain a customer's ability to complete these transactions and would be user-unfriendly.

Accordingly, applicant submits that for at least the foregoing reasons, independent claims 1, 59 and 117 are allowable over Shimada. Each of dependent claims 2-58, 60-116, and 118-174 is allowable for at least the same reasons.

V. Conclusion

The foregoing demonstrates that claims 1-174 are patentable. This application is therefore in condition for allowance. Accordingly, reconsideration and prompt allowance are respectfully requested.

Respectfully submitted,



Brian E. Mack
Agent for Applicant
Registration No. 57,189
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
Customer No. 1473
1211 Avenue of the Americas
New York, New York 10036-8704
Tel.: (212) 596-9000
Fax : (212) 596-9090